

# Notice of Allowability

Application No.

09/599,993

Examiner

Walter F. Briney III

Applicant(s)

MURASE, ATSUNOBU

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## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 28 February 2006.
2. ☒ The allowed claim(s) is/are 1-24.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## DETAILED ACTION

### *Allowable Subject Matter*

The following is an examiner's statement of reasons for allowance:

Claims 1-24 are allowed.

**Claim 1** is limited to "an environmental noise level estimation apparatus." The basic structure of claim 1 has been shown apropos the Non-Final Rejection filed 01 November 2005 to be unpatentable over Romesburg in view of Fujii. As amended, however, claim 1 is patentable over the cited prior art. In particular, neither Romesbug, Fujii nor Gerson disclose, teach or suggest "adding a predetermined constant value to the previously estimated environmental noise level." In contrast, the noise level estimation apparatus taught by Fujii adds a value that varies based on the input signal X and a weighting factor chosen in response to a comparison between X and the previous noise level estimate.

While other prior art noise level estimate apparatuses add predetermined constant values (e.g. US Patent 5,157,653; figure 5), there is no suggestion to modify Fujii. Thus, claim 1 is allowable over the cited prior art.

**Claims 2-8 and 23** are limited in part to "an environmental noise level estimation apparatus as claimed in claim 1," and therefore, are allowable over the cited prior art for at least the same reasons.

**Claim 9** is limited to "an environmental noise level estimation apparatus." The basic structure of claim 9 has been shown apropos the Non-Final Rejection filed 01 November 2005 to be unpatentable over Romesburg in view of Fujii. As amended,

however, claim 9 is patentable over the cited prior art. In particular, neither Romesbug, Fujii nor Gerson disclose, teach or suggest "adding a predetermined constant value to the previously estimated environmental noise level." In contrast, the noise level estimation apparatus taught by Fujii adds a value that varies based on the input signal X and a weighting factor chosen in response to a comparison between X and the previous noise level estimate.

While other prior art noise level estimate apparatuses add predetermined constant values (e.g. US Patent 5,157,653; figure 5), there is no suggestion to modify Fujii. Thus, claim 9 is allowable over the cited prior art.

**Claim 10** is limited to "a communication apparatus." The basic structure of claim 10 has been shown apropos the Non-Final Rejection filed 01 November 2005 to be unpatentable over Romesburg in view of Fujii. As amended, however, claim 10 is patentable over the cited prior art. In particular, neither Romesbug, Fujii nor Gerson disclose, teach or suggest "adding a predetermined constant value to the previously estimated environmental noise level." In contrast, the noise level estimation apparatus taught by Fujii adds a value that varies based on the input signal X and a weighting factor chosen in response to a comparison between X and the previous noise level estimate.

While other prior art noise level estimate apparatuses add predetermined constant values (e.g. US Patent 5,157,653; figure 5), there is no suggestion to modify Fujii. Thus, claim 10 is allowable over the cited prior art.

**Claims 11-14** are limited in part to “a communication apparatus as claimed in claim 10,” and therefore, are allowable over the cited prior art for at least the same reasons.

**Claim 15** is limited to “data terminal apparatus.” The basic structure of claim 15 has been shown apropos the Non-Final Rejection filed 01 November 2005 to be unpatentable over Romesburg in view of Fujii. As amended, however, claim 15 is patentable over the cited prior art. In particular, neither Romesbug, Fujii nor Gerson disclose, teach or suggest “adding a predetermined constant value to the previously estimated environmental noise level.” In contrast, the noise level estimation apparatus taught by Fujii adds a value that varies based on the input signal X and a weighting factor chosen in response to a comparison between X and the previous noise level estimate.

While other prior art noise level estimate apparatuses add predetermined constant values (e.g. US Patent 5,157,653; figure 5), there is no suggestion to modify Fujii. Thus, claim 15 is allowable over the cited prior art.

**Claim 16** is limited to “a method of estimating an environmental noise level.” The basic structure of claim 16 has been shown apropos the Non-Final Rejection filed 01 November 2005 to be unpatentable over Romesburg in view of Fujii. As amended, however, claim 16 is patentable over the cited prior art. In particular, neither Romesbug, Fujii nor Gerson disclose, teach or suggest “adding a predetermined constant value to the previously estimated environmental noise level.” In contrast, the noise level estimation apparatus taught by Fujii adds a value that varies based on the

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input signal X and a weighting factor chosen in response to a comparison between X and the previous noise level estimate.

While other prior art noise level estimate apparatuses add predetermined constant values (e.g. US Patent 5,157,653; figure 5), there is no suggestion to modify Fujii. Thus, claim 16 is allowable over the cited prior art.

**Claims 17-22 and 24** are limited in part to "a method as claimed in claim 16," and therefore, are allowable over the cited prior art for at least the same reasons.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter F. Briney III whose telephone number is 571-272-7513. The examiner can normally be reached on M-F 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WFB



**SINH TRAN**  
**SUPERVISORY PATENT EXAMINER**